

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSE MALDONADO, individually and on  
behalf of others similarly situated,

Plaintiff,

-against-

ARCADIA BUILDERS CORPORATION,  
ACADEMIC STONE SETTERS, INC.,  
ACADEMIC STONE INC., PETRILLO  
STONE CORPORATION, JAMES  
DONAGHY, and JOSEPHINE O'GRADY,

Defendants.

Case No.: 14 cv 4129(DLI)(RML)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the declaration of Michael Taubenfeld, Esq., the declaration of Plaintiff Jose Maldonado and upon the annexed exhibits and accompanying memorandum of law served and filed herewith, Plaintiff will move this court before the Honorable Robert M. Levy, U.S.M.J., at 225 Camden Plaza East, Brooklyn, NY on a date and time set by this Court, for an order pursuant to 29 U.S.C. § 216(b) ("Fair Labor Standards Act") and specifically for entry of an Order:

- (a) approving the text of the enclosed Notice of Lawsuit and Consent to Join;
- (b) permitting Plaintiff to circulate a Notice of Lawsuit and Consent to Join to similarly situated employees;
- (c) requiring Defendants Arcadia Builders Corporation, Academic Stone Setters Inc., and Academic Stone Inc. ("Defendants") to provide Plaintiff with a complete list in electronic form of names, mail addresses, email addresses, telephone numbers and social security numbers of their current and former stone setters, stone setter helpers, porters and other employees performing similar duties from December 15, 2011 until the date this motion is decided;
- (d) permitting all similarly situated individuals 60 days to opt into this case;

(e) requiring Defendants to post a copy of the Notice of Lawsuit at their headquarters; and

(f) granting any relief that the Court finds just.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff requests oral argument on this motion.

Dated: December 15, 2014  
New York, New York

Respectfully submitted,

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Counsel for Plaintiff